



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



January 15, 2013

Richard J. Bruckner  
Director

Ryan Young, Delta Groups Engineering  
2362 McGaw Avenue  
Irvine, CA 92614

**REGARDING: PROJECT NO. R2012-01200-(4)  
CONDITIONAL USE PERMIT NO. 201200075  
14000 Telegraph Rd., Whittier, CA 90604 (APN: 8030-008-010)**

Hearing Officer Paul McCarthy, by his action of **January 15, 2013**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

**Appeals:** The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **January 29, 2013. Appeals must be delivered in person.**

**To file an appeal, please contact:**  
Regional Planning Commission, Attn: Commission Secretary  
Room 1350, Hall of Records  
320 West Temple Street, Los Angeles, CA 90012  
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Travis Seawards of the Zoning Permits West Section at (213) 974-6462, or by email at [TSeawards@planning.lacounty.gov](mailto:TSeawards@planning.lacounty.gov). Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,  
DEPARTMENT OF REGIONAL PLANNING  
Richard J. Bruckner

MKK, Supervising Regional Planner  
Zoning Permits West Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)  
c: DPW (Building and Safety); Zoning Enforcement;

MKK:TSS

CC.060412

**FINDINGS AND ORDER OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2012-01200-(4)  
CONDITIONAL USE PERMIT NO. 201200075**

1. **ENTITLEMENT REQUESTED.** The applicant, Verizon Wireless, is requesting a Conditional Use Permit (CUP) to authorize a co-located wireless telecommunications facility (WTF) pursuant to County Code Section 22.24.100 in the A-1 (Light Agricultural) Zone.
2. **HEARING DATE.** January 15, 2013.
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly noticed public hearing was held on January 15, 2013 before the Regional Planning Hearing Officer. The applicant testified and responded that they had no questions and agreed with all of the conditions of approval. There being no further testimony from the public or applicants, the Hearing Officer closed the public hearing and approved Project R2012-01200-(4) with conditions.
4. **PROJECT DESCRIPTION.** The project is a request for a Conditional Use Permit (CUP) for a wireless telecommunications facility (WTF) to be co-located on an existing 70-foot-tall monopine in the unincorporated community of South Whittier – Sunshine Acres. The project proposes the addition of three new sectors with four panel antennas each, for a total of 12 new panel antennas. The panel antennas will be placed on an existing monopine at a height of 52-feet above grade and will be concealed with imitation pine tree camouflaging techniques. In addition to the 12 new panel antennas, the project involves the placement of associated wireless equipment in a new 378 square foot lease area that is enclosed by a 7-foot, 8-inch tall concrete wall. The associated WTF equipment consists of three GPS antennas, four equipment cabinets, one emergency backup generator, and other associated WTF equipment. The wall will be camouflaged and covered with ivy.
5. **LOCATION.** The subject property is located at 14000 Telegraph Road in the unincorporated community of South Whittier – Sunshine Acres in the Sunshine Acres Zoned District.
6. **SITE PLAN DESCRIPTION.** The existing WTF monopine is located on a property that is developed as a golf course. The project area is accessed by a 12-foot-wide easement off of Telechron Avenue. The easement narrows to 5-feet wide and runs along an existing concrete swale which leads to the existing project site. The existing WTF is a 70-foot tall monopine, and the proposed project will be co-located on this facility. The new 378-square-foot lease area is north of the existing lease area and will contain the associated WTF equipment.
7. **EXISTING ZONING.** The subject property is zoned A-1 (Light Agricultural). Surrounding properties are zoned A-1, C-2-BE (Neighborhood Business – Billboard Exclusion), C-3-BE (Unlimited Commercial – Billboard Exclusion), and R-

2-DP (Two-Family Residence – Development Program) to the north, A-1 to the south, A-1 and C-3-BE to the east and A-1 and R-1 (Single-Family Residence) to the west.

8. **EXISTING LAND USES.** The project site is located on a parcel that is developed as a golf course. Surrounding properties are developed as follows: multi-family residences, condominiums, and a flood control channel to the north, a golf course and an elementary school to the south, a golf course to the east, and single-family residences to the west.
9. **PREVIOUS CASES/ZONING HISTORY.** On November 3, 1966, Plot Plan No. 15640 approved the expansion of the existing golf course to its current size. On July 28, 2010, CUP 200900049 approved the existing 70-foot tall monopine WTF.
10. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The proposed project is consistent with the Countywide General Plan land use designation. The project site is designated Open Space by the Countywide General Plan. The Open Space land use designation is primarily intended for open space and recreational uses, and utility infrastructure is also a consistent use. Therefore, a co-locating WTF project is consistent with the permitted uses of the underlying land use category.
11. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** Conditional Use Permit No. 200900049 approved the construction of the existing 70-foot-tall monopine WTF. The project was found to be consistent with the applicable zoning development standards for the site.
12. The project is compliant with the departmental WTF standard for height, which requires a ground mounted facility to not exceed a maximum height of 75 feet. The new WTF antennas on the existing WTF structure are proposed to be attached at 52 feet above grade level.
13. The project is compliant with the departmental WTF standards for design. All wireless facilities are required to use camouflage techniques to minimize visual impacts and provide appropriate screening. The new WTF is proposed to be located on an existing monopine structure that is built to look like a pine tree and is surrounded by other pine trees of similar height. In addition, the new lease area will be enclosed by a wall that will be covered in ivy.
14. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The project is compatible with the surrounding neighborhood and will not adversely impact the area. The project is consistent with the zoning and land use designation for the subject property and has existed in the community since 2010 without a record of community complaints or zoning violations.
15. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was

appropriately notified of the public hearing by mail, newspaper and property posting.

16. **PUBLIC COMMENTS.** No comments have been received on this project.

#### **CONDITIONAL USE PERMIT SPECIFIC FINDINGS**

17. The subject property land use designation is Open Space, which allows for utility infrastructure. A WTF is a communications utility and is therefore consistent with the underlying land use designation for the subject property and the adopted general plan for the area.
18. The existing monopine WTF was approved in 2010 and there has not been any record of community complaints or zoning violations related to the project. The project also provides important telecommunications infrastructure to the community, and uses camouflage techniques to minimize visual impacts to the site. An environmental review of the project also finds that potential environmental impacts are less than significant. Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
19. The existing WTF was approved in 2010 and was compliant with all applicable zoning development standards from the County Code. The project is also compliant with the Department's development guidelines for wireless facilities related to height and design. Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, as is otherwise required to integrate said use with the uses in the surrounding area.
20. The project is a request for the co-location of a WTF on an existing WTF monopine. No new services or facilities are required for this project. Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

#### **ENVIRONMENTAL DETERMINATION**

21. The Initial Study completed for the project concluded that there is no evidence that the project may have a significant impact on the environment. The Initial Study analyzed the impacts of the increased lease area and proposed diesel backup generator, as well as potential visual impacts from the new panel antennas. The diesel generator is a backup power source for the WTF and will only be used in cases of emergency blackouts or power outages, and it is expected that there will be few instances of these occurrences and the need to use the backup generator is

expected to be minimal. The fuel tank and backup generator will be located on a stable concrete pad and enclosed by a concrete wall. Based on State of California fire regulations, the small size of this particular fuel tank is considered a "container" and not an "above ground storage tank". In addition, according to the information provided by the makers of the generator, the equipment meets the EPA diesel emission standards for mobile off-highway equipment. Therefore, the project is not expected to release a substantial amount of hazardous emissions within ¼ mile of sensitive uses. The Initial Study therefore concluded that there is no evidence that the project may have a significant impact on the environment.

22. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to fifteen (15) years.

23. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13<sup>th</sup> Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

WITH RESPECT TO THE CONDITIONAL USE PERMIT

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Conditional Use Permit] as set forth in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

**HEARING OFFICER ACTION:**

1. The Hearing Officer has considered the Negative Declaration for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201200075 is **APPROVED** subject to the attached conditions.

MKK:TSS  
10/15/12

c: Hearing Officer, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2012-01200-(4)  
CONDITIONAL USE PERMIT NO. 201200075**

**PROJECT DESCRIPTION**

The project is a request for a conditional use permit (CUP) to authorize the co-location operation of a wireless telecommunications facility (WTF) on an existing 70-foot tall monopine that will consist of 12 panel antennas (four per sector) and associated wireless equipment, subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9, shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense,

including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on January 15, 2028.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The



permittee shall deposit with the County the sum of \$1,600.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for eight (8) biennial (one every other year) inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code, to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works, to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

**PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (WIRELESS)**

19. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
20. Upon completion of construction of the facility, the permittee shall submit to the Zoning Enforcement Section of the Department of Regional Planning written certification that the radio frequency electromagnetic emissions levels comply with adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity. If other WTFs are located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of said WTFs.
21. Insofar as is feasible, the operator shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time.
22. Any proposed WTF that will be co-locating on the proposed facility will be required to submit the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of the Department of Regional Planning.
23. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.
24. External lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Pole

mounted lighting is prohibited on the leasehold unless the facility is disguised as a light pole. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.

25. If the subject property is adjacent to residences, construction and maintenance of the facility shall be limited to the hours of 9:00 AM to 5:00 PM, Monday through Friday. Emergency repairs of the facility may occur at any time.
26. The project shall be developed and maintained in substantial compliance with the approved plans marked Exhibit "A". Placement and height of all pole mounted equipment shall be in substantial conformance with that shown on said Exhibit "A". The facility shall be built as depicted in the photo simulations presented at the public hearing.
27. Maintenance vehicles shall not block access to driveways or garages.
28. Within 30 days of change in service provider ownership, the permittee shall provide the Zoning Enforcement Section of the Department of Regional Planning the name and contact information of the new property owner.
29. The finished surface of the facility shall not be glossy or reflective in nature unless such finish is necessary to blend into existing design features. The finish shall be graffiti-resistant and shall have a color that blends in with the immediately surrounding environment.
30. The facility shall be maintained in good condition and repair, and shall remain free of: general dirt and grease; chipped, faded, peeling or cracked paint; trash, debris, litter, graffiti and other forms of vandalism; cracks, dents, blemishes and discolorations; visible rust or corrosion on any unpainted metal areas. Any damage from any cause shall be repaired within 30 days of notice. Weathered, faded or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced within 30 days of notice. Any and all graffiti shall be removed by the operator or property owner within 24 hours. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed.
31. Upon request, the permittee/operator shall submit annual reports to the Zoning Enforcement Section of the Department of Regional Planning to show compliance with the maintenance and removal conditions.
32. The Department of Regional Planning project number, conditional use permit number and lease holder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level.
33. The facility shall be secured by fencing, gates and/or locks. All fencing or walls used for screening or securing the facility shall be composed of wood, vinyl, stone, concrete, stucco or wrought iron. Chain links, chain link with slats, barbed and other types of wire fencing are prohibited. If the facility's fences or walls are visible

from the public right-of-way, landscaping, in a minimum planter width of five feet, shall be provided to screen the fence or wall from the street.

34. New equipment added to the facility shall not compromise the stealth design of the facility.

**PROJECT SITE SPECIFIC CONDITIONS**

35. This grant shall authorize the co-location of a WTF to consist of 12 panel antennas (four per sector), and associated wireless equipment.
36. The backup diesel generator is approved to be used only for emergencies due to power outages and other similar emergency events.
37. The emergency backup diesel generator is to be enclosed in the new lease area to reduce noise levels and must not exceed noise levels as established by the County Noise Ordinance.